

SENATE BILL 2409

By Robinson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21; Title 38, Chapter 1, Part 5 and Title 49, relative to racial profiling.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-1-502, is amended by deleting subdivision (2) and substituting instead the following:

(2) "Racial profiling" means the detention, interdiction, or other disparate treatment of an individual solely on the basis of the individual's actual or perceived race, color, ethnicity, national origin, age, gender, religion, sexual orientation, or immigration status.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 1, Part 5, is amended by adding the following new sections:

**38-1-504.**

No law enforcement officer shall engage in racial profiling. The attorney general and reporter shall notify the department of finance and administration of any violation of this part by a law enforcement agency. The department shall withhold state funds from a law enforcement agency that does not comply with this part.

**38-1-505.**

(a) Each law enforcement agency shall record and retain the following information:

- (1) The number of people stopped for traffic violations;
- (2) Characteristics of race, color, ethnicity, gender, religion, and age of any person stopped for a traffic violation. The identification of such

characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop, and the person stopped shall not be required to provide the information;

(3) The nature of the alleged traffic violation that resulted in the stop; and

(4) The outcome of the stop, including whether a warning or citation was issued, an arrest made, or a search conducted.

(b) On or before January 1, 2021, and on or before January 1 of each subsequent year, each law enforcement agency must transmit:

(1) In the case of a local law enforcement agency, to the district attorney general for the county served by the agency, or, in the case of the Tennessee highway patrol or other law enforcement officer employed by the state, to the attorney general and reporter:

(A) A copy of each complaint received during the calendar year that alleges racial profiling; and

(B) Written notification of the review and disposition of such complaint; and

(2) To the attorney general and reporter, an annual report of the information recorded pursuant to this section, in such a form as the attorney general and reporter may prescribe. On or before May 15, 2021, and on or before May 15 of each subsequent year, the attorney general and reporter shall compile this information annually and report it to the governor and speakers of the senate and the house of representatives, including any observations or recommendations.

(c) On or before October 1, 2020, the department of safety shall develop and prescribe the following forms, which must be available in both printed and electronic format:

(1) A form to be used by law enforcement officers during a traffic stop to record personal information about the operator of the motor vehicle stopped, the

location of the stop, the reason for the stop, and any other information that is required by this section; and

(2) A form to be used to report complaints by individuals who believe they were subjected to racial profiling.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it.